

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: Andrew N. Ferguson, Chairman
Melissa Holyoak
Mark R. Meador

In the Matter of:

Philip Serpe,

Appellant.

Matter No. 9441

ORDER GRANTING MOTION FOR CLARIFICATION AND EXTENSION OF TIME

Appellant Philip Serpe is a horse trainer covered by the Horseracing Integrity and Safety Act, 15 U.S.C. ch. 57A (“the Act”). On July 9, 2025, a neutral arbitrator determined that Mr. Serpe had violated the Equine Anti-Doping and Controlled Medication Protocol Rule. On September 12, 2025, the Administrative Law Judge affirmed the arbitrator’s sanctions but added a \$25,000 fine against Mr. Serpe. And on September 15, 2025, the Commission, on its own motion, granted review of this matter.

On September 23, 2025, Mr. Serpe moved for the Commission to “issue an order clarifying the issues on appeal” and to toll the briefing schedule pending such order. Mr. Serpe’s motion is **GRANTED**. The parties are **ORDERED** to address the following issues:

- (1) Whether the Administrative Law Judge was authorized, under 15 U.S.C. § 3058(b)(3) or any other authority, to impose a civil sanction not imposed by the arbitrator and not requested to be imposed by any party to the proceeding;
- (2) Whether the additional sanction imposed by the Administrative Law Judge was appropriate under the circumstances; and
- (3) Whether the Seventh Amendment to the United States Constitution guaranteed Mr. Serpe a jury trial in federal court.

The parties are further **ORDERED** to adhere to the following briefing schedule:

Mr. Serpe’s brief is due November 3, 2025.

The Authority’s brief is due on December 3, 2025.

Mr. Serpe's reply brief, if any, is due December 29, 2025.

In the event that a lapse in appropriations results in a shutdown of most Commission operations, the Commission hereby directs that this proceeding be fully stayed for the duration of the shutdown and for an additional five business days thereafter. The above briefing schedule will be tolled accordingly.

By the Commission.



April J. Tabor
Secretary

SEAL:
ISSUED: September 30, 2025